

**BURSOR & FISHER, P.A.**

L. Timothy Fisher (State Bar No. 191626)  
Joel D. Smith (State Bar No. 244902)  
1990 North California Boulevard, Suite 940  
Walnut Creek, CA 94596  
Telephone: (925) 300-4455  
Facsimile: (925) 407-2700  
E-Mail: ltfisher@bursor.com

**LAW OFFICE OF JANA EISINGER, PLLC**

Jana Eisinger (*pro hac vice*)  
4610 South Ulster Street, Suite 150  
Denver, CO 80237  
Telephone: (303) 209-0266  
Facsimile: (303) 353-0786  
E-Mail: jeisinger@eisingerlawfirm.com

*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY ELDER, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

HILTON WORLDWIDE HOLDINGS, INC.  
and HILTON GRAND VACATIONS  
COMPANY, INC.,

Defendants.

Case No. 16-cv-00278-JST

**RESPONSE TO THE COURT'S  
OCTOBER 10, 2017 ORDER  
REGARDING MOTION FOR  
PRELIMINARY APPROVAL**

Plaintiff Timothy Elder and Defendants Hilton Worldwide Holdings, Inc. and Hilton Grand Vacations Company, Inc. respectfully submit this response to the October 10, 2017 Order Regarding Motion for Preliminary Approval (Dkt. No. 83) (the "Order").

**I. THE PARTIES REQUEST THAT THE COURT SCHEDULE A STATUS CONFERENCE**

In the Order, the Court requested additional information related to the proposed class settlement, and counsel for the parties have not reached an agreement on such a submission. Accordingly, Plaintiff hereby withdraws his motion for preliminary approval, and the parties ask that the Court schedule a case management conference in the next 30 days to discuss how this case should proceed.<sup>1</sup> The parties further request that the Court order them to submit an updated joint case management conference statement at least seven days in advance of the conference with a proposed schedule for the litigation.

Dated: November 14, 2017

**BURSOR & FISHER, P.A.**

By: /s/ L. Timothy Fisher  
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Telephone: (303) 209-0266  
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*Attorneys for Plaintiff*

Dated: November 14, 2017

**DLA PIPER, LLP**

By: /s/ David B. Farkas  
David B. Farkas

<sup>1</sup> Plaintiff's counsel is unavailable the week of December 4-8 and respectfully asks that the Court not schedule the case management conference during that week.

Angela C. Agrusa (State Bar No. 131337)  
David B. Farkas (State Bar No. 257137)  
1100 Glendon Avenue, 14th Floor  
Los Angeles, California 90024.3518  
Telephone: (310) 500-3500

*Attorneys for Defendants*